

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

**Hearing Room 1568**

10:00 AM

**2:12-10123 Emile Barrak**

**Chapter 7**

**#1.00** HearingRE: [32] Motion to Avoid Lien with LBS FINANCIAL CU

Docket 32

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

For the reasons set forth below, the Motion is **DENIED**.

**Pleadings Filed and Reviewed**

- 1) Debtor's Notice of Motion and Motion to Avoid Lien Under 11 U.S.C. § 522(f) (Real Property) (the "Motion") [Doc. No. 32]
- 2) Opposition to Motion to Avoid Lien as to Creditor LBS Financial CU [Motion to Avoid Lien Docket No. 32] (the "Opposition") [Doc. No. 35]
- 3) Request for Judicial Notice in Support of Motion to Avoid Lien of LBS Financial CU; Exhibit #1; POS [Doc. No. 38]
- 4) Request for Judicial Notice of Debtor Emile Barrak in Support of Lien Removal; Exhibits #1-#4; POS [Doc. No. 40]

**I. Facts and Summary of Pleadings**

On January 3, 2012, Emile Barrak (the "Debtor") filed a voluntary chapter 7 petition. On February 10, 2012, creditor LBS Financial CU ("LBS") filed its state court action against Debtor. LBS alleged causes of action for Claim and Delivery, Conversion, Possession of Personal Property, and Declaratory Relief related to a vehicle in Debtor's possession. On April 11, 2012, Debtor received a standard no asset, no bar discharge. At the time of the bankruptcy, Debtor did not own the real property located at 38925 10th St. West, Palmdale, CA 93551 (the "Property"). On May 31, 2013, Debtor claims to have purchased the Property.

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On May 7, 2014, LBS secured a Judgment against Debtor (the "Judgment"). On December 24, 2020, an Abstract of Judgment was recorded in Los Angeles County against the Property.

Debtor seeks to avoid LBS's lien on the Property. Debtor estimates the value of the Property at \$300,000.00 according to three internet valuations and its current physical condition as poor. Debtor lists LBS's lien at an original amount of \$17,000 and a current amount as \$29,570.68. Debtor claims a homestead exemption of \$75,000 and states that LBS's lien impairs her homestead exemption and therefore requests the lien be avoided.

**LBS' Opposition**

On October 19, 2021, LBS filed its Objection to Debtor's Motion. LBS states that its claim against Debtor in the January 3, 2012, bankruptcy were not based on outstanding debt owed to LBS by Debtor. Objection at 2. LBS states that it was not listed on Debtor's schedules, amended schedules, nor was it given notice of the bankruptcy petition. LBS specifically states that this is because LBS was never a creditor until it became a Judgment creditor via the above Judgment. LBS states its Judgment is in the total amount \$29,5470.68. *Id.* at 2-3.

LBS states that the Debtor may not avoid its Judgment because it is not subject to the bankruptcy discharge order. LBS quotes 11 U.S.C. § 727, in relevant part, that a discharge under 727(a) discharges the Debtor from all debts that arose before the date of the order for relief under chapter 7. *Id.* at 3. Additionally, LBS quotes California Code of Civil Procedure § 69.340, stating that a judgment lien on real property attaches to all interests in real property in the county where the lien is created at the time the lien was created. *Id.* Utilizing these, LBS states that its lien was not in place until after the discharge date and therefore could not be discharged.

LBS additionally states that its Judgment may not be avoided because the true value of the Property leaves sufficient equity to pay for the Judgment. *Id.* at 4. LBS states that if the allege value of the Property is \$295,000, and the totals of the exemption and Judgment are \$104,570.68, there is sufficient equity of \$190,429.32 in the Property to pay LBS' Judgment. *Id.* at 4-5. Accordingly, LBS states the Judgment lien cannot be avoided.

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## II. Findings of Fact and Conclusions of Law

Section 522(f) allows a debtor to "avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." To prevail on a motion to avoid a judicial lien, the debtor must show that: (1) he has an interest in the property; (2) he is entitled to the exemption; (3) the asserted lien impairs that exemption; and (4) the lien is a judicial lien. *In re Meeks*, 349 B.R. 19, 21 (Bankr. E.D. Cal. 2006). "As the moving party, the debtor carries the burden of proof on all factors." *Id.*; *see also In re Pederson*, 230 B.R. 158, 160 (B.A.P. 9th Cir. 1999); *In re Catli*, 999 F.2d 1405, 1406 (9th Cir. 1993).

For the purpose of determining whether the four elements of § 522(f) are satisfied, the determination must be made at the time of the filing of the petition. "A debtor's right to an exemption is determined as of the date that the bankruptcy petition is filed." *In re Wolf*, 248 B.R. 365, 367 (9th Cir. BAP 2000). "[T]he petition date has been held to be the operative date for all § 522(f) determinations . . ." *In re Levinson*, 395 B.R. 554 (E.D.N.Y. 2008).

Here, as of the petition date, Debtor did not own the Property and as such, had no right to a homestead exemption on the Property. Debtor acquired the Property post-petition in 2013. Additionally, as the Judgment against the Debtor was obtained in 2014, there was no lien to avoid at the time the petition was filed. Furthermore, because Debtor did not own the Property at the time of the petition, Debtor could not claim the homestead exemption, and because Debtor was not able to claim the homestead exemption, no lien could be said to impair the non-existent homestead exemption. The mere fact that both the Debtor's interest in the Property arose post-petition and LBS's lien arose post-petition makes satisfaction of 522(f) impossible. Accordingly, this Court finds that the Debtor is not entitled to avoid LBS's Judgment lien under § 522(f).

In addition to the above findings, the Court finds that the Debtor would be unable to avoid the judgment lien under § 522(f) because the lien does not impair the homestead exemption under § 522(f)(2). Section 522(f)(2) sets forth the formula for determining whether a lien impairs an exemption.

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A lien "impairs" an exemption to the extent that:

1. The amount of the line,
2. Plus the amount of all other liens on the property,
3. Plus the amount the debtor could claim as exempt if there were no liens on the property, exceeds the value the debtor's interest in the property would have in the absence of any liens.

*In re Wilson*, 90 F3d 347, 350 (9th Cir. 1996).

As LBS stated, and according to Debtor's valuation of the Property, the value of the Property is approximately \$295,000 and the total of the Judgment and homestead exemption is \$104,570.68, leaving \$190,429.32 in equity. As such, the lien cannot be considered to impair the exemption under § 522(f) and therefore may not be avoided.

Debtor requested that the Court take judicial notice of *Beezley v. California Land Title Co.*, 994 F.2d 1433 (1993). The court in *Beezley* spends substantial time discussing § 523(a)(3) and the impact of a discharge on unsecured debts. *Id.* at 1436. Specifically, that certain debts, although unsecured, may be subject to discharge even if a creditor did not file a proof of claim. *Id.* at 1437. The important fact of this case, a fact not present here, is that the debts were present at the time of the petition date. The Bankruptcy Code under § 523 provides exceptions to discharge, but in order for a debt to be discharged or qualify for an exception, there must be a debt at the time of the petition. Because the debt did not arise until after the petition and after the discharge, it cannot be discharged through application of § 523(a)(3).

### **III. Conclusion**

Based upon the foregoing, the Motion is DENIED.

The Creditor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing. The clerk of the Court may reclose this case upon submission of the order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.**

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Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

<b>Party Information</b>
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**Debtor(s):**

Emile Barrak

Pro Se

**Trustee(s):**

Richard K Diamond (TR)

Pro Se

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**2:13-27702 Morad Javedanfar**

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Adv#: 2:15-01363 JL AM Plus, LLC v. Neman et al

**#2.00** HearingRE: [412] Motion for Charging Order re: MBN's LLC Membership Interest in Sky High Investment Company, LLC (Hewlett, Douglas)

Docket 412

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

For the reasons set forth below, the Court finds that JLAMP is entitled to the entry of charging orders against Sky High and Boyd LP, and is also entitled to the entry of orders authorizing the foreclosure and sale of MBN's interests in Sky High and Boyd LP.

**Pleadings Filed and Reviewed:**

- 1) JLAMP's Notice of Motion and Motion for a Charging Order Re: MBN's LLC Membership Interest in Sky High Investment Company, LLC [Doc. No. 412]
- 2) JLAMP's Notice of Motion and Motion for a Charging Order Re: MBN's Partnership Interest in 310 E. Boyd St. Partnership LP [Doc. No. 416]
- 3) Opposition to Motion[s] for a Charging Order, Etc. [Doc. No. 418] (the "Opposition")
- 4) JLAMP's Combined Reply in Support of Motions for Charging Orders [Doc. No. 419] (the "Reply")

**I. Facts and Summary of Pleadings**

Plaintiff JL AM Plus, LLC ("JLAMP") moves for the entry of charging orders for the purpose of enforcing its judgment against Defendant MBN Real Estate Investments, LLC ("MBN"). MBN opposes the Motions.

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**A. The Final Judgment in Favor of JLAMP**

On August 27, 2019, the Court entered a *Memorandum of Decision Finding that JLAMP is Entitled to Judgment in its Favor in the Amount of \$1,218,514.75, Plus Attorneys' Fees and Costs, Pursuant to §§ 544, 548, and 550* [Doc. No. 333] (the "Memorandum"). In the Memorandum, the Court found that JLAMP was entitled to recover the value of interests in three parcels of real property (the "Interests") that had been fraudulently transferred to MBN by Morad and Yaffa Javedanfar (the "Debtors"). After adjudicating the amount of JLAMP's attorneys' fees, on October 7, 2019, the Court entered judgment in favor of JLAMP and against MBN, in the amount of \$1,813,635.62 (consisting of damages in the principal amount of \$1,218,514.75 plus attorneys' fees and costs in the amount of \$595,120.87). Doc. No. 342 (the "Original Judgment"). In addition, the Original Judgment permanently enjoined MBN, MBN's former manager Morad Ben Neman ("Neman"), and/or any parties acting in concert with MBN or Neman "from further transferring or encumbering the Interests," and provided that "[t]his injunction shall remain in effect until this Judgment has been paid in full." Original Judgment ¶ 2. The Original Judgment also imposed a constructive trust against the Interests, to remain in effect until satisfaction of the Judgment. *Id.* at ¶ 3.

On July 8, 2020, the Bankruptcy Appellate Panel (the "BAP") affirmed the Original Judgment. Doc. Nos. 370–71. On September 3, 2020, the Court entered an amended judgment, which reiterated the provisions of the Original Judgment and awarded Plaintiff additional fees and costs of \$153,005.20 as the prevailing party on appeal. Doc. No. 382 (the "Amended Judgment").

On August 10, 2020, Defendant appealed the BAP's affirmance of the Original Judgment to the Ninth Circuit. On January 14, 2021, Defendant voluntarily dismissed the appeal. On March 9, 2021, the Court awarded Plaintiff an additional \$106,408.65 in attorneys' fees as compensation for being required to defend against the Ninth Circuit appeal. Doc. No. 396 (the "Fee Order"). On October 12, 2021, the Court denied Plaintiff's application for issuance of an order requiring Defendant to show cause why Defendant should not be held in contempt for failing to pay the fees awarded by the Fee Order. Doc. Nos. 410–11.

On June 23, 2021, the Court entered a *Judgment After Second Appeal, in Favor of JL AM Plus, LLC* [Doc. No. 400] (the "Final Judgment"). The Final Judgment added the fees awarded by the Fee Order to the Amended Judgment, and retained the injunction and constructive trust imposed by the Original Judgment. As of November

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10, 2021, the total amount owed under the Final Judgment is \$2,135,130.66. MBN has not paid any portion of the Final Judgment.

**B. The Fraudulently Transferred Interests Giving Rise to the Final Judgment**

The Final Judgment was entered on account of the fraudulent transfer to MBN of the Interests. In the Memorandum, the Court found that the fair market value of the Interests collectively was \$1,218,514.75 as of November 2012 (the date of the fraudulent transfers). Memorandum at 25. The Interests consisted of the following:

- 1) A 19.8% partnership interest in 310 E. Boyd St. Partnership L.P. ("Boyd LP"), a California limited partnership. Boyd LP's primary asset is real property commonly known as 310 E. Boyd Street, Los Angeles, CA 90013 (the "Boyd Street Property"). The fair market value of MBN's interest in Boyd LP (the "Boyd LP Interest") as of the time of the fraudulent transfer was \$97,260.20.
- 2) A 20% membership interest in Sky High Investment Company, LLC ("Sky High"), a California limited liability company. Sky High's primary asset is real property commonly known as 931 E. Pico Boulevard, Los Angeles, CA 90021 (the "Pico Blvd. Property"). The fair market value of MBN's interest in Sky High (the "Sky High Interest") as of the time of the fraudulent transfer was \$943,252.55.
- 3) A 19.8% tenancy-in-common interest in real property commonly known as 715 E. 14th Street, Los Angeles, CA 90021 (the "14th Street Property"). The fair market value of this Interest as of the time of the fraudulent transfer was \$178,002.00.

Memorandum at 6–7 and 25.

The Memorandum explained that the Court would order the return of the value of the Interests, as opposed to the return of the Interests themselves:

Under § 550(a), the Court "has discretion whether to award ... recovery of the property transferred or the value of the property transferred." *USAA Fed. Savings Bank v. Thacker (In re Taylor)*, 599 F.3d 880, 890 (9th Cir. 2010). The statute "does not explain when a court should award ... recovery of the actual property and when it should, in the alternative, award ... recovery of the value of the property." *Id.* at 890. However, where "the value of the property cannot be easily or readily determined ... the correct remedy is to return the

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property, not award an estimate of the value of the property." *Id.* at 892. "[T]he purpose of § 550(a) is to restore the estate to the financial condition it would have enjoyed if the transfer had not occurred." *Alfas v. Wirum (In re Straightline Investments, Inc.)*, 525 F.3d 870, 883 (9th Cir. 2008) (internal citation omitted).

Here, the Court finds it appropriate to award JLAMP the value of the Interests, rather than order MBN to return the Interests to JLAMP. This is not a situation in which the value of the Interests cannot be accurately determined. The Court's findings as to the value of the Interests at the time of the Transfer is based upon the testimony of Hoffman and Carsten, both well-qualified experts. Moreover, ordering the return of the Interests would provide an unjustified windfall to JLAMP. Subsequent to the Transfers, approximately \$500,000 was invested in the Pico Blvd. Property by the Neman Family Revocable Investment Trust and the Yedidia Investment Trust. To the extent that the Properties have appreciated subsequent to the November 2012 Transfers, ordering the return of the Interests would also provide JLAMP a windfall.

Memorandum at 28–29 (footnote omitted).

**C. Summary of Papers Filed in Connection with the Motions**

For the purpose of enforcing the Final Judgment, JLAMP seeks the entry of orders granting the following relief:

- 1) Imposing a charging order lien against Boyd LP and Sky High, requiring Boyd LP and Sky High to directly transmit to JLAMP any distributions that would otherwise be paid to these entities.
- 2) Requiring MBN to immediately submit, under penalty of perjury, an accounting identifying all distributions that MBN has been entitled to receive on account of the Boyd LP and Sky High Interests subsequent to entry of the Original Judgment.
- 3) Foreclosing and ordering the sale of the Boyd LP and Sky High Interests.
- 4) Appointing a receiver at MBN's expense to administer the charging and sale of the Boyd LP and Sky High Interests.
- 5) Awarding MBN attorneys' fees in the amount of \$14,085 for the costs of enforcing the Final Judgment.

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In support of its request for the foreclosure and sale of MBN's Boyd LP and Sky High Interests,

JLAMP points to a declaration filed by Neman on September 30, 2021, in which Neman testified that "MBN collects no money from its fractional ownership of the real estate entities that were the subject of the lawsuit." Doc. No. 407 at ¶ 3. JLAMP cites this testimony as evidence that MBN will be unable to satisfy the Final Judgment within a reasonable time, and that JLAMP is therefore entitled to the sale and foreclosure of the Boyd LP and Sky High Interests.

MBN does not contest JLAMP's entitlement to a charging order requiring that distributions otherwise payable to MBN on account of the Boyd LP and Sky High Interests be paid to JLAMP. [Note 1] MBN does dispute JLAMP's entitlement to the foreclosure and sale of its Boyd LP and Sky High Interests. According to MBN, the foreclosure and sale of the Boyd LP and Sky High Interests is not appropriate for the following reasons:

- 1) JLAMP's attempt to foreclose upon the Boyd LP and Sky High Interests is premature because JLAMP has not yet obtained a charging order. JLAMP may not seek foreclosure concurrently with its request for entry of a charging order. Instead, JLAMP must first obtain entry of a charging order, and may seek foreclosure only after a charging order has been entered.
- 2) The Boyd LP and Sky High Interests cannot be foreclosed upon because "it is impossible for JLAMP to prove that distributions under a charging order will not pay the judgment debt in a reasonable time." Doc. No. 418 at 3. Although Neman testified that MBN has not in the past received distributions on account of its Boyd LP and Sky High Interests, that does not prove that MBN will not receive distributions in the future.

MBN also opposes the appointment of a receiver. It asserts that appointment of a receiver is warranted only in exceptional circumstances, and that JLAMP has failed to present evidence that MBN will impede the implementation of a charging order.

JLAMP makes the following arguments in its Reply to MNB's Opposition:

- 1) There is no provision in the statute that prevents JLAMP from concurrently seeking both entry of a charging order and foreclosure of the Interests.
- 2) MBN has presented no evidence showing that distributions from Sky High and

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Boyd LP will satisfy the Final Judgment within a reasonable time. MBN is required to present such evidence to avoid foreclosure of the Interests, as opposed to falling back on the vague argument that "past events are not a guarantee of future outcomes." Doc. No. 418 at 3.

- 3) JLAMP is not required to show extraordinary circumstances in order to obtain the appointment of a receiver. Where a charging order is imposed against a partnership such as Boyd LP, a receiver may be appointed "[o]n application ... by a judgment creditor," Cal. Corp. Code § 16504(a). Where a charging order is imposed against a limited liability company such as Sky High, a receiver may be appointed "[t]o the extent necessary to effectuate the collection of distributions pursuant to a charging order," Cal. Corp. Code § 17705.03(b)(1).

## **II. Findings of Fact and Conclusions of Law**

### **A. JLAMP is Entitled to a Charging Order Against Sky High, and is Entitled to an Order Authorizing the Foreclosure and Sale of MBN's Sky High Interest**

Cal. Corp. Code § 17705.03 provides:

- (a) On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. A charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that would otherwise be paid to the judgment debtor.
- (b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subdivision (a), the court may do any of the following:
- (1) Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made.
  - (2) Make all other orders necessary to give effect to the charging order.
  - (3) Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, foreclose the lien and order the sale of the transferable interest. The purchaser at the foreclosure sale obtains only the transferable interest, does not thereby become a member, and is subject to Section 17705.02.

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A foreclosure sale ordered under Cal. Corp. Code § 17705.03(b)(3) can be avoided by satisfaction of the judgment:

- (c) At any time before foreclosure under paragraph (3) of subdivision (b), the member or transferee whose transferable interest is subject to a charging order under subdivision (a) may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.
- (d) At any time before foreclosure under paragraph (3) of subdivision (b), a limited liability company or one or more members whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

Cal. Corp. Code § 17705.03(c)–(d).

Cal. Corp. Code § 17705 is "the mechanism by which a judgment creditor may enforce its judgment against an LLC member." *MDQ, LLC v. Gilbert, Kelly, Crowley & Jennett LLP*, 32 Cal. App. 5th 702, 711, 244 Cal. Rptr. 3d 211, 218 (2019).

The Original Judgment was first entered against MBN and in favor of JLAMP on October 7, 2019—more than two years ago. As of November 10, 2021, the amount owed under the Final Judgment is \$2,135,130.66. MBN has not paid any amount toward satisfaction of the judgment. Pursuant to Cal. Corp. Code § 17705.03(a), JLAMP is entitled to entry of a charging order against Sky High.

JLAMP is also entitled to entry of an order authorizing the foreclosure and sale of MBN's Sky High Interest. As set forth in Cal. Corp. Code § 17705.03(b)(3), the Court may order foreclosure and sale "[u]pon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time." JLAMP has made the requisite showing. First, no amount has been paid toward the judgment in the more than two years since it was entered. Second, MBN's representative has recently submitted a sworn declaration attesting that "MBN collects no money from its fractional ownership" interest in Sky High. Doc. No. 407 at ¶ 3. This testimony establishes that distributions under a charging order will not satisfy the Final Judgment within a reasonable time. Third, despite having been provided the opportunity to do so, MBN has failed to submit any evidence that it will receive distributions from Sky High in the future, and that such distributions will satisfy the

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Final Judgment within a reasonable time. The best MBN can muster with respect to this issue is the non-committal and conclusory statement that its past failure to receive distributions is "not a guarantee of future outcomes." Doc. No. 418 at 3.

MBN's failure to rebut JLAMP's showing that distributions from MBN's Sky High Interest will not satisfy the Final Judgment within a reasonable time is fatal to its attempt to defeat entry of an order authorizing the foreclosure and sale of the Sky High Interest. "[B]ecause knowledge about (and evidence of)" MBN's finances are "peculiarly known" to MBN, the burden of defeating a foreclosure order "is properly placed" upon MBN. *Hellman v. Anderson*, 233 Cal. App. 3d 840, 853, 284 Cal. Rptr. 830, 839 (Ct. App. 1991).

There is no merit to MBN's contention that JLAMP cannot obtain an order authorizing the foreclosure and sale of the Sky High Interest at the same time JLAMP obtains a charging order. Nothing within Cal. Corp. Code § 17705.03 bars JLAMP from concurrently seeking both a charging order and a foreclosure order.

MBN cites *Hellman v. Anderson*, 233 Cal. App. 3d 840 (Cal. Ct. App. 1991) for the proposition that the request for foreclosure may not be sought concurrently with the request for a charging order. In a footnote, the *Hellman* court stated:

The parties do not challenge the other two prerequisites to foreclosure that (1) the creditor previously obtained a charging order, and (2) the judgment nevertheless remained unsatisfied. The first condition seems obvious—obtaining a charging order is a prerequisite to foreclosing on the charging order. The second condition—that the charging order be unsuccessful—is, we believe, implied in the statute, which authorizes "all other orders ... which the circumstances of the case may require."

*Hellman*, 233 Cal. App. 3d at 853 n. 11.

Where, as here, a judgment creditor can show both that it is entitled to a charging order and that distributions under that charging order will not satisfy the judgment within a reasonable time, neither *Hellman* nor the structure of Cal. Corp. Code § 17705.03 require a delay between the entry of a charging order and the entry of an order authorizing sale and foreclosure. The excerpted language from *Hellman* makes the unremarkable point that a charging order is a pre-requisite to the foreclosure of that charging order. But nothing within *Hellman* prevents the Court from ordering the foreclosure of a charging order at the same time it enters the charging order. Had the legislature intended that Cal. Corp. Code § 17705.03 operate in the manner

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contemplated by MBN, it could easily have stated that a charging order could not be foreclosed unless the charging order had been in effect for a specified period of time. The legislature did not do so. The statute's only prerequisite to foreclosure is that the Court make a finding that "distributions under a charging order will not pay the judgment debt within a reasonable time," Cal. Corp. Code § 17705.03(b)(3). As noted above, JLAMP has established that it is not likely to receive *any* distributions under the requested charging order, and MBN has presented no evidence to the contrary.

The Court finds that JLAMP is entitled to the appointment of a receiver, at MBN's expense, to facilitate the charging and sale of the Sky High Interest. A receiver is necessary both to sell the Sky High Interest and to insure that any distributions that MBN would otherwise be entitled to receive on account of the Sky High Interest are paid to JLAMP.

MBN cites *Medipro Med. Staffing LLC v. Certified Nursing Registry, Inc.*, 60 Cal. App. 5th 622, 629, 274 Cal. Rptr. 3d 797, 801 (2021) for the proposition that appointment of a receiver is an extraordinary remedy not warranted under the circumstances of this case. MBN's reliance upon *Medipro* is misplaced. In *Medipro*, the receiver was appointed under Cal. Corp. Code § 564, which employs a different standard for the appointment of a receiver than that set forth in Cal. Corp. Code § 17705.03, the statute at issue here. Further, the scope of the receiver's responsibilities in *Medipro* was significantly broader than the duties that the receiver will be required to discharge in this case. The *Medipro* receiver was appointed to "take possession, custody and control of the accounts receivable and business accounts, to enter and gain access to [the o]ffices, to take possession of all bank accounts, to collect all mail, and to take possession of all the books and records" of the business. *Medipro*, 60 Cal. App. 5th 622, 626–27, 274 Cal. Rptr. 3d 797, 799 (2021) (internal quotation marks omitted). Here, the receiver is being appointed only to (1) foreclose and sell the Sky High Interest and (2) insure that JLAMP receives any distributions that would otherwise be payable to MBN on account of the Sky High interest.

Finally, based upon JLAMP's entitlement to entry of a charging order, the Court also finds that JLAMP is entitled to entry of an order requiring MBN to file, under penalty of perjury, an accounting of any distributions now due or which may become due in the future on account of its Sky High Interest. MBN shall file the accounting within fourteen days of the entry of the order granting the Motion.

**B. JLAMP is Entitled to a Charging Order Against Boyd LP, and is Entitled to**

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

CONT... **Morad Javedanfar**

Chapter 7

**an Order Authorizing the Foreclosure and Sale of MBN's Sky High Interest**

Boyd LP is a limited partnership, unlike Sky High, which is a limited liability company. As a result, Cal. Corp. Code § 16504 governs the entry of a charging order with respect to Boyd LP. The provisions of Cal. Corp. Code § 16504 (which governs charging orders against partnerships) are similar to those of Cal. Corp. Code § 17705 (which governs charging orders against limited liability companies). For purposes of the instant Motions, the only material difference is that the standard to foreclose a charging order entered against a partnership is less demanding than the standard to foreclose a charging order entered against a limited liability company. A charging order entered against a partnership may be foreclosed "at any time," Cal. Corp. Code § 16504(b); it is not necessary for the judgment creditor to make a showing that distributions under the charging order will not pay the judgment within a reasonable time.

For the same reasons that JLAMP is entitled to relief against Sky High, JLAMP is entitled to (1) entry of a charging order against Boyd LP, (2) entry of an order authorizing the foreclosure and sale of MBN's Boyd LP Interest, and (3) entry of an order requiring MBN to file, under penalty of perjury, an accounting of any distributions now due or which may become due in the future on account of its Boyd LP Interest.

**C. JLAMP is Entitled to Attorneys' Fees in the Amount of \$10,060**

The Court has previously found that JLAMP is entitled to attorneys' fees as the prevailing party in this action, *see* Memorandum at 31–33, and that the rates charged by JLAMP's attorneys are reasonable, *see* Doc. No. 341 at 5–6. It follows that JLAMP is also entitled to attorneys' fees for bringing the instant Motions to enforce the Final Judgment.

The Court "must calculate awards for attorneys' fees using the 'lodestar' method, and the amount of that fee must be determined on the facts of each case. The 'lodestar' is calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008) (internal citations and quotations omitted).

JLAMP seeks attorneys' fees of \$14,085 for bringing both Motions (\$7,042.50 per Motion), based upon 21 hours of work (10.5 hours per Motion). The Court notes that the two Motions are substantially identical, and finds that counsel could have reasonably prepared the Motions in 15 hours. Therefore, the Court will award only

**United States Bankruptcy Court  
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Los Angeles  
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CONT... **Morad Javedanfar**

**Chapter 7**

\$10,060 for the costs of bringing both Motions, not the \$14,085 sought by counsel. In addition, the Court declines to order that the fees awarded be paid within 45 days. Instead, the Court will order that the fees awarded be added to the outstanding amount of the Final Judgment.

### **III. Conclusion**

Based upon the foregoing, the Court finds that JLAMP is entitled to the entry of charging orders against Sky High and Boyd LP, and is also entitled to the entry of orders authorizing the foreclosure and sale of MBN's interests in Sky High and Boyd LP. Within seven days of the hearing, JLAMP shall submit proposed orders incorporating this tentative ruling by reference. **[Note 2]**

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Landon Foody or Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

#### **Note 1**

See Doc. No. 418 at 4 ("[E]xcept for the granting of charging orders against MBN, [MBN] urges denial of JLAMP's motion").

#### **Note 2**

To ensure that MBN has the opportunity to review JLAMP's proposed order as to form, JLAMP shall either (a) submit a *Notice of Lodgment* of the proposed order in accordance with the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(A) or, in the alternative, shall (b) obtain MBN's endorsement as to the form of the proposed order pursuant to the procedure set forth in Local Bankruptcy Rule 9021-1(b)(3)(C).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Morad Javedanfar

Represented By  
Andre A Khansari

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

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**CONT... Morad Javedanfar**

**Chapter 7**

**Defendant(s):**

Morad Neman

Represented By  
Yuriko M Shikai  
Timothy L Neufeld  
Jennifer B MikoLevine

MBN Real Estate Investments, LLC

Represented By  
Stephen F Biegenzahn  
Jennifer B MikoLevine  
Paul S Marks

**Joint Debtor(s):**

Yaffa Javedanfar

Represented By  
Andre A Khansari  
M Hope Aguilar

**Plaintiff(s):**

JL AM Plus, LLC

Represented By  
Douglas S Hewlett

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
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Wednesday, November 10, 2021

Hearing Room 1568

10:00 AM

**2:13-27702 Morad Javedanfar**

**Chapter 7**

Adv#: 2:15-01363 JL AM Plus, LLC v. Neman et al

**#3.00** HearingRE: [416] Motion for Charging Order re: MBN's Partnership Interest in 310 E. Boyd St. Partnership L.P., (Hewlett, Douglas)

Docket 416

**Tentative Ruling:**

11/9/2021

See Cal. No. 2, above, incorporated in full by reference.

**Party Information**

**Debtor(s):**

Morad Javedanfar

Represented By  
Andre A Khansari

**Defendant(s):**

Morad Neman

Represented By  
Yuriko M Shikai  
Timothy L Neufeld  
Jennifer B MikoLevine

MBN Real Estate Investments, LLC

Represented By  
Stephen F Biegenzahn  
Jennifer B MikoLevine  
Paul S Marks

**Joint Debtor(s):**

Yaffa Javedanfar

Represented By  
Andre A Khansari  
M Hope Aguilar

**Plaintiff(s):**

JL AM Plus, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

**Hearing Room 1568**

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10:00 AM

**CONT... Morad Javedanfar**

**Chapter 7**

Douglas S Hewlett

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Wednesday, November 10, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

#4.00 Hearing  
RE: [6475] Motion to Authorize Liquidating Trustee to Undertake Final  
Distribution Program for Administrative Claims re QuadraMed and Picis

fr. 6-2-21;7-14-21; 8-4-21; 9-1-21

Docket 6475

**\*\*\* VACATED \*\*\* REASON: PER ORDER ENTERED 11-8-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

Richard Reding

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

**CONT... Verity Health System of California, Inc.**

**Chapter 11**

**Trustee(s):**

Howard Grobstein Liquidating

Represented By  
James Cornell Behrens

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

**Hearing Room 1568**

10:00 AM

**2:20-14485 Michael Stuart Brown**

**Chapter 11**

**#5.00** Status Hearing Pursuant To 11 U.S.C. 1188 (Subchapter V). RE: [17]  
Addendum to voluntary petition

fr. 7-14-20 ; 10-14-20; 1-20-21; 3-9-21; 6-15-21; 6-23-21; 9-14-21

Docket 17

**\*\*\* VACATED \*\*\* REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Stuart Brown

Represented By  
Michael F Chekian

**United States Bankruptcy Court  
Central District of California  
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Wednesday, November 10, 2021

Hearing Room 1568

10:00 AM

**2:20-14485 Michael Stuart Brown**

**Chapter 11**

Adv#: 2:20-01635 Brown v. JP Morgan Chase Bank, NA. et al

**#6.00 Status Hearing**

RE: [1] Adversary case 2:20-ap-01635. Complaint by Michael Stuart Brown against Citibank, N.A. c/o Kelly Kaufmann, Esq., JP Morgan Chase, N.A. c/o Parisa Jassim, Esq.. (\$350.00 Fee Charge To Estate). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Chekian, Michael)

Fr. 1-12-21; 3-9-21; 6-15-21; 6-23-21; 9-14-21

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Stuart Brown

Represented By  
Michael F Chekian

**Defendant(s):**

JP Morgan Chase Bank, NA.

Pro Se

CITIBANK N.A.

Pro Se

Does 1-20, including all persons and

Pro Se

**Plaintiff(s):**

Michael Stuart Brown

Represented By  
Michael F Chekian

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, November 10, 2021**

**Hearing Room 1568**

11:00 AM

**2:20-15501 Chineseinvestors.com, Inc.**

**Chapter 7**

**#100.00** HearingRE: [410] Application for Compensation First Interim Fee Application of Chapter 7 Trustee for Allowance and Payment of Compensation; Declaration of Peter J. Mastan in Supoprt Thereof; and Exhibits with Proof of Service for Peter J Mastan (TR), Trustee Chapter 7, Period: 1/27/2021 to 9/30/2021, Fee: \$13,250, Expenses: \$198.51. (Mastan (TR), Peter)

Docket 410

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

No objection has been filed in response to the Trustee's First Interim Report. This court approves the fees and expenses, and payment, as requested by the Trustee, as follows:

Total Trustee's Fees: \$13,250 [*see* Doc. No. 410]

Total Trustee's Expenses: \$198.51 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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Central District of California  
Los Angeles  
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11:00 AM

**CONT... Chineseinvestors.com, Inc.**

**Chapter 7**

The chapter 7 trustee shall submit a conforming order within seven days of the hearing.

**Party Information**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1568 Calendar

Wednesday, November 10, 2021

Hearing Room 1568

11:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

#101.00 Hearing

RE: [414] Motion for Final Fees for The Hinds Law Group, APC (Hinds, James)

Docket 414

\*\*\* VACATED \*\*\* REASON: 10/19/21 vacated per errata

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Wednesday, November 10, 2021

Hearing Room 1568

11:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

#102.00 HearingRE: [419] Application for Compensation of Interim Fees and/or Expenses for LEA Accountancy, LLP, Accountant, Period: 4/28/2021 to 10/13/2021, Fee: \$6,537.50, Expenses: \$68.40.

Docket 419

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$6,537.50 [Doc. No. 419]

Expenses: \$68.40 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

**Hearing Room 1568**

---

11:00 AM

**CONT... Chineseinvestors.com, Inc.**

**Chapter 7**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

**United States Bankruptcy Court  
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**Wednesday, November 10, 2021**

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11:00 AM

**2:20-15501 Chineseinvestors.com, Inc.**

**Chapter 7**

**#103.00** HearingRE: [422] Application for Compensation First Interim Application Of Dinsmore & Shohl LLP For Allowance And Payment Of Compensation And Reimbursement Of Expenses Covering The Period From February 1, 2021, Through September 30, 2021; Declarations of Ashleigh A. Danker And Peter J. Mastan in Support Thereof; Exhibits for Dinsmore & Shohl LLP, Trustee's Attorney, Period: 2/1/2021 to 9/30/2021, Fee: \$160,525.50, Expenses: \$1,123.80.

Docket 422

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$160,525.50 [Doc. No. 422]

Expenses: \$1,123.80 approved [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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**Wednesday, November 10, 2021**

**Hearing Room 1568**

11:00 AM

**CONT... Chineseinvestors.com, Inc.**

**Chapter 7**

Applicant shall submit a conforming order within seven days of the hearing.

**Party Information**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, November 10, 2021**

**Hearing Room 1568**

11:00 AM

**2:20-15501 Chineseinvestors.com, Inc.**

**Chapter 7**

**#104.00** HearingRE: [422] Application for Compensation First Interim Application Of Dinsmore & Shohl LLP For Allowance And Payment Of Compensation And Reimbursement Of Expenses Covering The Period From February 1, 2021, Through September 30, 2021; Declarations of Ashleigh A. Danker And Peter J. Mastan in Support Thereof; Exhibits for Dinsmore & Shohl LLP, Trustee's Attorney, Period: 2/1/2021 to 9/30/2021, Fee: \$160,525.50, Expenses: \$1,123.80.

Docket 422

**\*\*\* VACATED \*\*\* REASON: Duplicate of #103**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
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Hearing Room 1568

11:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

#105.00 HearingRE: [408] Application for Compensation / Application for Payment of Final Fees and Expenses for Timothy J Yoo, Ombudsman Consumer, Period: 2/26/2021 to 10/14/2021, Fee: \$4,917.50, Expenses: \$34.55.

Docket 408

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$4,917.50 [Doc. No. 408]

Expenses: \$34.55 [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Applicant shall submit a conforming order within seven days of the hearing.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Wednesday, November 10, 2021**

**Hearing Room 1568**

---

11:00 AM

**CONT... Chineseinvestors.com, Inc.**

**Chapter 7**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Wednesday, November 10, 2021

Hearing Room 1568

11:00 AM

2:20-15501 Chineseinvestors.com, Inc.

Chapter 7

**#106.00** HearingRE: [409] Application for Compensation First Interim Application Of Development Specialists, Inc. For Allowance And Payment Of Fees And Expenses Incurred As Accountants and Financial Advisors For The Chapter 7 Trustee, Peter J. Mastan For The Period February 8, 2021 Through September 30, 2021; Declarations Of Nicholas R. Troszak And Peter J. Mastan In Support Thereof; And Exhibits for Development Specialists, Inc., Accountant, Period: 2/8/2021 to 9/30/2021, Fee: \$90,082.00, Expenses: \$792.86.

Docket 409

**Tentative Ruling:**

11/9/2021

**Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below:

Fees: \$90,082.00 [Doc. No. 409]

Expenses: \$792.86 [*Id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1568**

11:00 AM

**CONT... Chineseinvestors.com, Inc.**  
hearing.

**Chapter 7**

Applicant shall submit a conforming order within seven days of the hearing.

**Party Information**

**Debtor(s):**

Chineseinvestors.com, Inc.

Represented By  
James Andrew Hinds Jr  
Rachel M Sposato

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Ashleigh A Danker

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
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Wednesday, November 10, 2021

Hearing Room 1568

11:00 AM

2:20-11634 XLmedica, Inc.

Chapter 11

#107.00 Hearing  
RE: [103] Motion RE: Objection to Claim Number 1 by Claimant EmCyte Corp.

Docket 103

\*\*\* VACATED \*\*\* REASON: CONTINUED 1-5-22 AT 10:00 AM.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

XLmedica, Inc.

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia